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12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
13 **OAKLAND DIVISION**

14 **SIERRA CLUB and SOUTHERN BORDER
15 COMMUNITIES COALITION, et al.,**

16 **Plaintiffs,**

17 **vs.**

18 **DONALD J. TRUMP, in his official capacity as
President of the United States of America, et al.,**

19 **Defendants.**

20 Case No. 4:19-cv-00892-HSG

21 CONSENT MOTION FOR LEAVE TO
FILE MEMORANDUM OF 58
RELIGIOUS ORGANIZATIONS AS
AMICI CURIAE IN SUPPORT OF
PLAINTIFFS' MOTION FOR A
PRELIMINARY INJUNCTION

22 Date: 05/17/2019

22 Time: 10:00 AM

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28 CONSENT MOTION FOR LEAVE TO FILE
MEMORANDUM OF 58 RELIGIOUS ORGANIZATIONS
AS *AMICI CURIAE* IN SUPPORT OF PLAINTIFFS'
MOTION FOR A PRELIMINARY INJUNCTION

19-cv-00892-HSG

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Led by the Muslim Bar Association of New York, *amici* respectfully move for leave to file the attached memorandum as *amici curiae* in the above-captioned matter in support of Plaintiffs' Motion for a Preliminary Injunction. *Amici* are 58 American religious or religiously-affiliated organizations who represent a wide array of faiths and denominations and include congregations and houses of worship, as well as professional, civil liberties, and immigrant rights groups who work with or represent faith communities ("Religious Organizations").¹ Counsel for both Plaintiffs and Defendants have consented to filing of the attached *amici* brief.

STATEMENT OF INTEREST AND ARGUMENT

The Religious Organizations’ motion for leave to file as *amici curiae* should be granted because their proposed submission provides a unique perspective on the separation-of-powers issues before the Court. The president’s border wall initiative targets a disfavored group, namely Mexican and Central American immigrants arriving through the U.S. border with Mexico. The president’s incursion into Congress’s constitutionally mandated appropriations authority to target a vulnerable group, if permitted, threatens the religious liberties of *amici*, because it would create a precedent that this and future presidents could use to reward or punish particular religious groups based on political expedience. This president has already targeted certain groups represented by *amici*, including Muslims, immigrants, and refugees of different faiths. *Amici* are therefore justly concerned that this president or future presidents will unconstitutionally target them by exploiting the appropriations power.

Section A of the *amici* brief details the importance of the Appropriations Clause in protecting individual liberties, including religious liberty. Section B demonstrates that the Defendants'

¹ For a list of *amici* and their individual interests, see Appendix A to the proposed *amici* brief.

1 attempted diversion of funds violates the Appropriations Clause because it was rejected by Congress
2 and is not authorized by the relevant statutes. Section C highlights the rhetoric and policies the
3 president has used to target immigrants for political purposes, culminating in the current
4 unconstitutional attempt to fund a border wall. Section D explains the threat presented to *amici* if
5 the Court permits the president to trample on the protections afforded by the separation of powers.
6

7 CONCLUSION

8 For the foregoing reasons, the Religious Organizations' consent motion for leave to file the
9 attached memorandum as *amici curiae* should be granted.

10 Dated: New York, New York
11 May 2, 2019

12 Respectfully submitted,

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